V.F.

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ART UNIT	PAPER NO.
1202	6

DATE MAILED: 05/07/93

[illegible]

☐ This application has been examined ☒ Responsive to communication filed on 4/26/93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-22 are pending in the application.
   Of the above, claims 12-17 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-11, 18-22 are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-22 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

The claims are 1-22.

The requirement for restriction recited in the paper mailed on April 2, 1993 is repeated and made final.

In the response dated April 26, 1993, applicants traverse the requirement and have elected Group I. However, applicants have failed to dispute the specific reasons given by the examiner in the office action. Accordingly, the requirement becomes one without traverse. See MPEP 818.03(a).

Accordingly, claims 12-17 are withdrawn from further consideration.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-11 and 18-22 are rejected under 35 U.S.C. § 103 as being unpatentable over ~~Mr. Rata~~ MURATA 4,963,543 (Ref. AD).

See the generic disclosure and the numerous examples. The main difference between what is being claimed and the prior art is the variable attached to the "pyrrolinyl" moiety. The motivation to prepare the claimed "-N-SO_2-N-" type derivatives comes from the teaching in the reference that "ureido" type systems all are equally operative for the same purpose. See In re Payne 203 USPQ 248. Additional evidence of obviousness is that all of the compounds are prepared in the same manner and possess the same utility. In re Lohr et al 137 USPQ 548. The specific compound need not be disclosed in a rejection based upon 35 USC 103 because this is not the test used.

RIZZO:jd
May 5, 1993

NICHOLAS S. RIZZO
PATENT EXAMINER
GROUP 120 - ART UNIT 122